

THE SPEECH

OF

**JOHN A. CHANDLER,**

(OF NORFOLK COUNTY,)

IN THE

**HOUSE OF DELEGATES OF VIRGINIA,**

ON THE

**POLICY OF THE STATE**

WITH RESPECT TO

**HER SLAVE POPULATION.**

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**DELIVERED JANUARY 17, 1833.**

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*RICHMOND:*

Thomas W. White, *Printer.*

.....  
1832.

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It is due to Mr. Chandler, to state that his speech on the Abolition of Slavery, has been published in its present form, from the Richmond Enquirer, by gentlemen favorable to the views which he has advocated—not by himself.

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# HOUSE OF DELEGATES OF VIRGINIA.

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WEDNESDAY, JANUARY 11, 1832.

MR. GOODE of Mecklenburg, rose to move the following resolution.

*Resolved*, That the select committee raised on the subject of slaves, free negroes, and the melancholy occurrences growing out of the tragical massacre in Southampton, be discharged from the consideration of all petitions, memorials and resolutions, which have for their object, the manumission of persons held in servitude under the existing laws of this commonwealth, and that it is not expedient to legislate on the subject.

MR. RANDOLPH moved the following substitute, to be inserted after the word "Southampton:"

— "be instructed to inquire into the expediency of submitting to the vote of the qualified voters in the several towns, cities, boroughs, and counties of this commonwealth, the propriety of providing by law, that the children of all female slaves, who may be born in this state, on or after the 4th day of July, 1840, shall become the property of the commonwealth, the males at the age of twenty-one years, and females at the age of eighteen, if detained by their owners within the limits of Virginia, until they shall respectively arrive at the ages aforesaid, to be hired out until the nett sum arising therefrom, shall be sufficient to defray the expense of their removal, beyond the limits of the United States, and that said committee have leave to report by bill or otherwise."

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TUESDAY, JANUARY 17, 1832.

The report of the committee on slaves, free negroes, and mulattoes, and the amendment of Mr. Preston, being under consideration,

MR. CHANDLER rose and addressed the house as follows:

MR. SPEAKER—Upon a subject so interesting, so momentous, so well calculated to distract the mind, and torture the heart, to break with friends, and create enemies, the better part of discretion may, possibly be silence. This caution I was originally disposed to pursue; but since the question has been discussed, I should prove recreant to all the principles of my nature, were I now to be satisfied in giving a mere tacit vote. Never before did I feel, to so great an extent, the responsibility of the representative character; never so oppressed with the magnitude of a trust. These considerations impel me to declare the reasons of my course.

I should have preferred, sir, giving my vote on the proposition of the gentleman from Mecklenburg, (Mr. Goode,) only. What is that? It is to take from one of the largest and most talented committees of this house, the very consideration of a subject so vitally interesting to the people of this commonwealth. Were that proposition now before the house, I should vote for its rejection. I should do so, because I humbly conceive its adoption would be a declaration to the world, that Virginia has within her a disease which defies the knife of the surgeon, and the medicine of the physician; that she is possessed of an evil respecting which her politicians dare not consult. In doing this, I should be giving a consistent vote. It will be recollected, sir, that when the memorial from Charles City was presented by the gentleman from Hanover, (Mr. Roane,) and when its reference was opposed,

I took occasion to observe, that I believed the people of Norfolk county would rejoice, could they, even in the vista of time, see some scheme for the gradual removal of this *curse* from our land. I should have voted, sir, for its rejection, because I was desirous to see a report from the committee, declaring the slave population an evil, and recommending to the people of this commonwealth, the adoption of some plan for its riddance. In the early part of the discussion, I was opposed to all measures calculated either to retard or accelerate the proceedings of the committee. Actuated by prudential motives, I should have preferred that the vote should have been taken without debate. Discussion, however, has been preferred by others, and it is due to the house, that their arguments should be answered. The debate, Mr. Speaker, was not commenced by those friendly to the object of the petition. The first movement was made by the gentleman from Mecklenburg, (Mr. Goode,) against its reference. In this he failed, by a vote of ninety-three, to twenty-seven, and scarcely had the committee been in session a week; before they had reported upon the expediency of removing even the free negroes; and before they had considered any proposition touching the slave population, a motion was made by the same gentleman, to discharge them from the consideration of all memorials and petitions referred to them, relating to a removal of the slaves. The discussion, sir, commenced with him; and upon his, and not our shoulders, rest the consequences, should any injury arise out of it: none, however, I apprehend, will ensue.

It has been said that this is the first session of the legislature which has ever admitted a discussion of this nature; and what, sir, does this prove? Clearly that there is no danger. When you discover an experienced gunner going into a magazine with metal buttons and steel-tapped shoes, you may be satisfied that the floor has been well swept, and the powder secured in fire-proof casks: and when you find an accomplished tactician, one familiar with the *modus operandi* of this house, commencing a discussion of this nature, you may be sure that all is safe. Do you require farther evidence of this? Look, sir, at the females who grace this auditory. The dimple of joy on their cheek, and the expression of mirth and happiness in their eye, attest there is no cause of alarm. And shall man, fearless man, whose boast and pride it is to be regardless of danger, shrink from the discussion of that, which woman, lovely woman, with all her tender sensibilities and timid apprehensions, smiles at? No, sir. This and the last week have shewn that the sons of Virginia are not afraid to meet this question. Never was the commonwealth so safe; the whites so strong; the blacks so weak. They are terrified almost to death, by the consciousness of their depravity in Southampton, and the fear of retributive justice. The whites are armed at all points. We are strong in the west, and still stronger in the east. The powerful arm of the federal government alone in that quarter, can protect us against all danger. Thus circumstanced, if this question were ever to be debated, now is the session for it. I could, however, have wished that the debate had commenced more regularly, and with a little more preparation. It has broken upon us like a thunder storm in a clear summer's day. This, however, may be an advantage; for had the people anticipated

it, some apprehensions might have been entertained about the result. I must confess I am unprepared to argue the proposition involved in the debate in detail. Principles must be combatted by antagonistic principles—results by opposing results—marches of the mind by countermarches.

The gentleman from Brunswick, (Mr. Gholson,) has, with an eloquence that has charmed the house, spoken of the chartered rights of the people. These words fell like music upon my ear. There is euphony, there is melody in them. They animate the soul and enliven the fancy. In imagination I was carried to Runnemedé, where our British ancestors wrested from the tyrant John, an acknowledgment of their rights, by a charter so celebrated in history; and to the subsequent reign, when that hallowed instrument was confirmed by his son Henry. The chartered rights of Virginia are dear to her sons, and an appeal to them ever held sacred. But, sir, where are we to find these chartered rights? Are we to search for them through the pages of ancient or modern common law writers, or in the pandects of the civilian, or in the treatises upon ethics and morals, with which the world has been so liberally favored? No sir—these rights have ever been sacred to Virginia—their consideration early attracted her profoundest attention—they have been embodied by the people of this commonwealth, and are to be found in the constitution of the United States, the constitution of Virginia, and the bill of rights. To these, and these only, will I look, and to them will I pay reverential homage, as emanations of the majesty of the people.

The constitution of the United States has been quoted as authority in this debate, as of binding force in prohibiting our legislating upon this subject. What, sir, is that constitution? It is a compact between several sovereign and independent states, creating a new government, not before in existence. That instrument consists of powers and restrictions. Powers conferred on the general government, and restrictions upon these powers, for the protection of the states and the people. Powers are also conferred by that instrument on the legislatures of the states—but they are exclusively of that character which are necessary to organize the federal government, and to preserve its motion, by the election of its legislative and chief executive officers. Some restrictions are imposed by the constitution of the United States upon the action of the states. These are to be found in the 10th section of the first article, and with the exception of the prohibition to a state to “pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant of any title of nobility,” they are all restraints upon powers, the exercise of which by the states, would be incompatible with and destructive to the powers granted to the general government. It is not pretended, sir, that any of the restrictions upon the states enumerated in the section I have just quoted, apply to the question in debate. But it is said that the 5th article of the amendments to that constitution, which declares “that private property shall not be taken for public uses, without compensation,” applies. This, sir, is a restraint imposed upon the *government of the United States*, by that article. I do not contend that private property can be taken by *any government* for public uses, without just compensation; but in ex-

amining our chartered rights upon that subject, I wish to lay my finger upon the proper instrument, and that is not the constitution of the United States, as applicable to the power of *this legislature*, over the property of its citizens, but the constitution and bill of rights of Virginia. These, sir, I will now examine.

The constitution of Virginia contains the identical provision mentioned in that of the United States, to wit: "that private property shall not be taken for public uses without just compensation;" and this has been quoted over and over again, and relied upon as conclusive, that the legislature cannot act in this matter. Who, sir, has dreamed of taking "private property for public use, without just compensation?" Does any one expect that the state shall derive any profit or emolument from the slaves? No, sir; on the contrary, does not every person anticipate that a heavy loss will fall on the commonwealth, in the transportation of this species of property to a foreign shore? The proposition, Mr. Speaker, is not whether the state shall take the slaves for public uses, but this: *whether the legislature has the right to compel the owners of slaves, under a penalty, within a reasonable time, to remove the future increase out of the country.* This, sir, is the proposition really before us, and the only one I intend to discuss. Is the power to compel an individual to remove his property, when it is dangerous to the community, unheard-of, or even uncommon? Is it not exercised almost every day, even by our municipal authorities? Let a house be on the brink of a precipice, near a public street; let it be tottering, and in danger of falling on the passers-by—is there no power to control it? Are the rights of property so sacred, that no one dare interfere to remove it? Are the lives and safety of the people to be jeopardized, without redress, by a destructive building of this nature? No, sir; the town authorities, acting upon the principle mentioned by the gentleman from Brunswick, *salus populi suprema est lex*, will soon direct the police officer to pull it down, if the owner do not secure it. A merchant has a large quantity of gunpowder in his store: its explosion would endanger the town—can he not be compelled to remove it to a place of safety? He may, if he choose, jeopard his own life by his rashness; but he has no right to endanger mine. He may, sir, be compelled to remove it: the public security requires it; and that is superior to all other laws. A factory in a town is found to be injurious to the health of the citizens. It may be abated by process of law. Suppose, sir, a vessel were to arrive in James river from Europe, with a cargo infected with the disease that is now ravaging a portion of that continent. Suppose it were so thoroughly impregnated with the contagion, that it could not be eradicated. Think you, sir, the citizens of Richmond would hesitate to throw it overboard? And by what law would they be protected? The one I have alluded to—the supreme law of the land—the safety of the people; a law superior to the right of property. Now, sir, let us examine this principle in reference to the subject-matter in debate. It is admitted by all who have addressed this house, that slavery already is a curse, and an increasing one. That it has been destructive to the lives of our citizens, history, with unerring truth, will record.—That its future increase will create intestine commotion, cannot be

doubted. The time, then, sir, has arrived, when the *salus populi* applies, and every consideration of patriotism requires us to act upon it.

This principle, this fundamental principle, the safety of the people, embraces not only the present race, but posterity also. The gentleman from Brunswick, with great force and eloquence, has insisted that the master has property not merely in the female slave, but in the issue AD INFINITUM. And, sir, we have an interest not only in our own welfare, but in that of our posterity. We are bound to legislate for them, as well as for ourselves. This principle, that posterity are interested in the act of their ancestors, is recognized in the Bill of Rights, in the very first section of it. That instrument is hallowed by its antiquity—by the double confirmation of the people of this dominion. I may say, it is superior to the constitution itself, as that professes to be based upon the Bill of Rights. What says that instrument? "That man has certain unalienable rights, of which, when he enters into society, he cannot by any compact deprive his posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety." Has slavery interfered with our means of enjoying LIFE, LIBERTY, PROPERTY, HAPPINESS and SAFETY? Look at Southampton. The answer is written IN LETTERS OF BLOOD, upon the floors of that unhappy county. Under these circumstances, may we not inquire into the right of our ancestors to inflict this curse upon us, seeing that it has already interfered so essentially with the first article of the bill of rights? But, sir, will this evil, this CURSE, not increase? Will not the life, liberty, prosperity, happiness and safety, of those who may come after us, be endangered in a still greater degree by it? How, then, can we reconcile it to ourselves, to fasten this upon them? Do we not endanger our very national existence by entailing slavery upon posterity?

I admit, sir, that slaves, and their increase, also, are property; I have always so considered them. I have argued upon the presumption that they are property; but I insist they are a species of property truly described as a curse to the land, and an increasing curse, which the legislature, not only by that law which is superior to all other laws—THE PUBLIC SAFETY—but by the provisions of the bill of rights, has the power to remove.

Sir, the gentleman from Brunswick very emphatically asked, "are our slaves not our property?" and the gentleman from Dinwiddie, sustaining this position, said, in that integrity and frankness which characterises all his actions, that he would own no property, respecting which he was afraid to show his title papers. He even invited discussion upon the question of title to slaves as property. As a Virginian, I do not question the master's title to his slave; but I put it to that gentleman, as a man, as a moral man, as a christian man, whether he has not SOME DOUBT of his claim to his slaves being *as absolute and unqualified* as that to other property? I do this, not for the purpose of raising any argument to sustain the power of the legislature to remove them, which I think I have satisfactorily shewn; but merely to call his attention to the title, that if a doubt as to that should be created, it may operate, in some measure, in withdrawing opposition to

the removal of the slaves. Let us, sir, in the investigation of this title, go back to its origin. Whence came slaves into this country? From Africa. Were they freemen there? At one time they were. How came they to be converted into slaves? By the stratagems of war, and the strong arm of the conqueror: they were vanquished in battle, sold by the victorious party to the slave-trader, who brought them to our shores, and disposed of them to the planter of Virginia. Had the conqueror an absolute and unqualified right to them? The gentleman from Campbell, (Mr. Daniel,) in arguing this part of the subject, stated, that ancient authors insisted upon two modes by which a freeman might become a slave, to wit: by voluntary compact and by conquest; but he was in the end compelled, by the course of his reasoning, to admit, that these doctrines have been exploded by modern writers. If, then, liberty, RIGHTFULLY, cannot be converted into slavery, may I not question whether the title of the master to the slave is absolute and unqualified, and beyond the disposal of the government? In general cases, the derivative title cannot be better than the primitive. If the warrior had no absolute right to the person of his captive, may there not be SOME DOUBT whether the Virginia planter has an unqualified one? What, sir, would be thought at the present day, if an elephant were taken by force or fraud from its true owner, on the coast of Africa, and brought to our country, and an individual knowing of the circumstance were to purchase it? Would it not be said that he participated in the crime? Would not the old adage, "that the receiver of stolen goods is as bad as the thief," apply? And, sir, is the reasoning different, when the subject is a human being? when a MAN has been taken by fraud or force from his native shore, and sold in your market? It may be said that our ancestors did not know the circumstances under which the slave had lost his liberty. I hope they did not. It will in some measure extenuate the crime, but cannot enhance the title. The truth is, that our ancestors had no title to this property, and we have acquired it only by legislative enactments, sanctioned by the necessity of the case.

It may be urged, that length of time has created a title. Some thirty years ago, a frigate which had been captured from the French by the valor and skill of our gallant tars, after having been brought into port, was refitted and sailed on a cruise: she has never been heard of since. Imagine for a moment, that it was now announced to this nation, that that ship had foundered on the coast of Africa, and her crew, or a part of them, were alive, *slaves* to some petty monarch in that country? Think you, sir, that we would listen to the plea of length of time? No; the voice of a mighty people, with resistless force, would proclaim that freemen can never become slaves, and the hum of preparation to demand our long-lost brethren, would soon resound throughout the land. And, sir, but for the degradation and absence of nationality in Africa, one of the most interesting principles of inter-national law might be presented to the American people, which has ever engaged the attention of the statesman. A principle that would be advocated by the good and the wise throughout the universe. Were Africa erected into a sovereign and independent state, and recognized as a nation by the potentates of the world, to make a demand upon our government for



her long lost and enslaved children, accompanied with a recital of all the circumstances of fraud by which they were taken from their native country, it would present a claim too strong not to be discussed—a demand too just to be denied by the freeborn sons of Virginia.—These reflections I have thrown out, Mr. Speaker, in the hope that, if masters of slaves should perceive some defect in their title, they may be inclined “to let them go.”

The gentleman from Dinwiddie observed, that the proposition of the gentleman from Harrison, (Mr. Williams,) that the west would give the east a *carte blanche* in this matter, fell upon his ear like soft and sweet music in the silent hour of midnight; and, sir, permit me to say that the pledge of the gentleman from Campbell, (Mr. Rives,) that he would give this subject his persevering and abiding support, came like love upon my heart. I reciprocate with him most cordially the pledge, and promise to give to the riddance of my native state, of this curse, my persevering and abiding support.

I have, Mr. Speaker, entered into but few statistical details: the course of my argument, I trust, made them unnecessary. One estimate, however, I will mention—it is this: that if the slave population increase as it has for some years past, in the year 1880, less than 50 years hence, there will be in the seven states, of Virginia, North and South Carolina, Georgia, Alabama, Louisiana, and Mississippi, something more than 5,000,000 of slaves, of which Virginia will possess largely upwards of 1,000,000—an amount too great, too appalling for a statesman not to apprehend some danger from. I acknowledge, I tremble for the fate of my country at some future day, unless we “do something.”

As other gentlemen, sir, have stated what they are willing to do, I consider it due to the house to declare how far I am prepared to go at present. I am not prepared to enact any LAW this session. I think we are not sufficiently acquainted with the sentiments of those we represent to justify us in acting definitively upon so great an extent of property. I am disposed to adopt a resolution or preamble to the report of the select committee, recommending to the people to take this matter into their most deliberate consideration, with a view that they may elect and instruct their representatives on this floor in the next legislature, upon the great question of commencing a scheme for the gradual removal of the slaves from the country. I am decidedly in favor of the principle of declaring that all slaves born after 1840, on their arrival, the females to 18, and the males to 21, if they remain in the state, shall be forfeited to the commonwealth, with a view to their transportation at the public expense to Africa. This plan would not touch the right of property in any slave now in existence, or born before 1840. It would affect the right of the master in the issue born after that period; but this to a very limited extent—for he would still be the absolute owner of the slave till the forfeited age arrived, and might previous to that sell him unconditionally to any foreign market that might be open for the trade. Although I am in favor of this scheme, I am not disposed to submit it to the people in the mode contemplated in the resolution of the gentleman from Albemarle (Mr. Randolph,) that is to the aggregate voters of the commonwealth. This subject, in my opinion, must be set-

tled as a legislative one, by a majority of the representatives, and not by a majority of the voters of the commonwealth. We know sir, that the people are unequally represented on this floor. The particular constituents of each representative have a right to instruct him, and by their mandate must be bound. What good could grow out of the circumstance of knowing on what side the majority of the aggregate voters are, I cannot imagine: much mischief might arise from it. If a majority of all the voters were opposed to a majority of all the representatives, it would be used as an argument against the representatives to recede from their own opinions and those of their particular constituents. In this view, it would be worse than useless—it might be dangerous. But, sir, whilst I am opposed, radically opposed to this mode of submitting the matter to the people, I desire that the question should be made a test one, before the voters of the respective counties and corporations at the ensuing election. I prefer a preamble,\* stronger and more expressive of this object, than the one which was offered by the gentleman from Goochland (Mr. Bryce,) but if I cannot get another more satisfactory, I shall vote for that, should it again be before the house.

\*This preamble which had been offered by Mr. Bryce on the 16th of January and withdrawn, was again offered by him on the 25th of that month, and adopted by a vote of 67 to 60. The resolution thus amended read as follows: "Profoundly sensible of the great evils arising from the condition of the colored population of this commonwealth, induced by humanity, as well as policy, to an immediate effort for the removal in the first place, as well of those who are now free as of such as may hereafter become free; believing that this effort, whilst it is in just accordance with the sentiment of the community on the subject, will absorb all our present means, and that a further action for the removal of the slaves should await a more definite development of public opinion: *Resolved, as the opinion of this committee*, that it is inexpedient, for the present, to make any legislative enactments for the abolition of slavery." The question was then put upon the adoption of the report of the committee as amended, and determined in the affirmative, as follows:

YEAS.—Messrs. Grinalds, Randolph, Persinger, Garland, M'Cue, Brooke, Cameron, Faulkner, Good, Wilson of Botetourt, Campbell of Brooke, Bolling, Spurlock, Rives, Jones, Marshall, Wood of Frederick, Snidow, Bryce of Frederick, Bryce of Goochland, Hall of Grayson, Erskine, Poston, Roane, Mullen, Williams, Johnson, Mayo, Gallaher, Berry, Sammers, Hooe, Allen, Hays, M'Ilhaney, Cordell, Caldwell, Smith of Mason, Henry, Vawter, Preston, Chandier, Leigh, Fitzhugh, Parriott, Robertson, Hiner, Gilliland, Zinn, Hart, M'Dowell, Moore, M'Mahon, Cline, Jesse, Kilgore, Bare, Powell, Moncure, M'Coy, M'Culloch, Keller, Crockett, King and Rutherford—65.

NAYS.—Messrs. Banks, (the speaker,) Wood of Albemarle, Booker, Campbell of Bedford, Pate, Gholson, Shell, Patteson of Buckingham, Daniel, Halyburton, Richardson, Patteson of Chesterfield, Pendleton, Broadus, Wilson of Cumberland, Brodnax, Ritchie, Ball, Chilton, Stillman, Helms, Hale of Franklin, Woods, Smith of Frederick, Smith of Gloucester, Spencer, Bruce, Sims, Gravely, Jordan, Sheild, Harwood, Dabney, Carter of Richmond, Poindexter, Street, Hudgins, Goode, Knox, Webb, Cabell, Fisher, E. J. Jey, Anderson of Nottoway, Witcher, Swanson, Miller, Dupuy, Land, Shands, Carter of Prince William, Carson, Cobb, Crump, Hargrave, Gillespie, Newton and Brown—58.